

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CLARENCE W. BROOKS)	
)	
Plaintiff,)	
vs.)	NO. CIV-13-1175-HE
)	
GARFIELD CO. JAIL; JERRY NILES,)	
Sheriff; et al.)	
)	
Defendants.)	

ORDER

Plaintiff Clarence W. Brooks, a state prisoner appearing *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff thereafter sought leave to proceed *in forma pauperis* (“*ifp*”) [Doc. #2]. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred for initial proceedings to Magistrate Judge Suzanne Mitchell. On four occasions Judge Mitchell ordered plaintiff to cure several deficiencies in his *ifp* motion, see [Doc. Nos. 7, 9, 11, & 15], advising plaintiff that if the deficiencies were not cured, she would recommend dismissal of plaintiff’s action unless he paid the full \$400 filing fee. After multiple extensions, plaintiff had not cured the deficiencies by the date set out in Judge Mitchell’s orders, and, therefore, in a Report and Recommendation [Doc. #18], she recommended that plaintiff’s *ifp* motion be denied unless he pays the full filing fee within twenty days of the court’s order.

Plaintiff twice objected to the Report and Recommendation, arguing that his motion should be granted because he has been granted *ifp* status in two other cases pending before

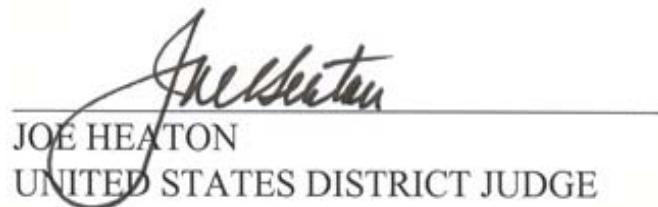
this court, and accusing the court of prejudice against him. *See* [Doc. Nos. 19 & 20].

In light of plaintiff's repeated noncompliance with Judge Mitchell's orders, as well as his inability to provide any evidence to substantiate his claims that jail officials are preventing him from complying with said orders, the court concludes that plaintiff's motion to proceed *ifp* should be denied. The fact that plaintiff has been granted *ifp* status in separate cases does not excuse him from complying with orders in this case.

Accordingly, the Report and Recommendation [Doc. #18] is **ADOPTED**, and plaintiff's motion to proceed *in forma pauperis* [Doc. #2] is **DENIED**. Plaintiff is ordered to pay the full \$400 filing fee within **twenty (20) days** of the date of this order or the case will be dismissed without prejudice.

IT IS SO ORDERED.

Dated this 25th day of February, 2014.



JOE HEATON
UNITED STATES DISTRICT JUDGE